

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

v.

CRIMINAL ACTION NO. 2:13-cr-00291

RETSYN DESHAWN OWENS

MEMORANDUM OPINION AND ORDER

Pending before the court is ECF No. 25, Defendant Retsyn Deshawn Owens' Clarification and Resubmission of his earlier pro se Motion for Compassionate Release [ECF No. 18]. I have already issued an Order Denying Defendant's Motion for Compassionate Release without prejudice on May 29, 2020, because, at that time, Defendant had not exhausted his administrative remedies. [ECF No. 20]. Defendant now supplements his Motion with evidence that he has since met the administrative exhaustion requirement. However, upon further investigation into Defendant's case, I must **DENY** this Motion [ECF No. 25].

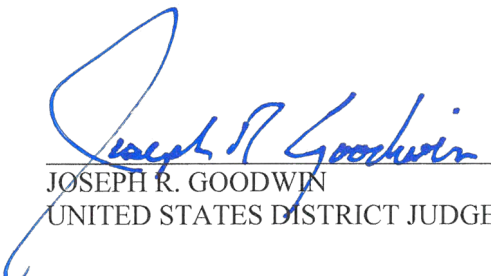
On December 27, 2013, Judge Thomas E. Johnston revoked Defendant's supervised release in this case and sentenced him to 24 months of imprisonment. That term of imprisonment was to run consecutive to Defendant's sentence in a separate case, Criminal Action: 2:13-cr-00088. [ECF No. 7]. In Criminal Action No. 2:13-cr-00088, [ECF No. 39] (Jan. 2, 2014), Judge Johnston sentenced Mr. Owens to 151 months of imprisonment followed by three years of supervised release for conspiracy to distribute cocaine base in violation of 21 U.S.C. § 846. On May 29, 2020, this case was reassigned to me. [ECF No. 19]. However, Defendant's term of

imprisonment in this case has long been completed. At this time, Defendant is only serving his term of imprisonment imposed in Criminal Action No. 2:13-cr-00088. That case has not been reassigned to me.

Because I am not the presiding judge over Defendant's current term of imprisonment, and because there is no term of imprisonment left for me to possibly reduce in this case, I must **DENY** Defendant's Motion [ECF No. 25]. If Defendant, who is acting pro se, wishes to pursue a motion for compassionate release, he is hereby **DIRECTED** to file a new motion stating all of his grounds for relief in Criminal Action No. 2:13-cr-00088. To be clear, Defendant cannot simply file a motion for reconsideration asking the court to consider the documents filed in this case, as he has done here. Defendant must begin anew by filing a complete motion for compassionate release in the proper case.

The court **DIRECTS** the Clerk to send a copy of this Order to the defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: September 21, 2020



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE